THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 18681 of 2007

Dated: 25.10.2007

Between:

Kunisetti Laxmi

... Petitioner

AND

The Land Acquisition Officer/
The Revenue Divisional Officer,
Kakinada, East Godavari District
& another.

... Respondents

Counsel for the petitioner : Sri B. Lingaiah

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

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WRIT PETITION No. 18681 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in dispossessing the petitioner from her land of an extent of Ac.2.00 cents in Sy.No.378 situated in A.P. Mallavaram Village, Gollaprolu Mandal, East Godavari District in pursuance of notification dated Nil.06.2007 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act'), as illegal and arbitrary.

At the hearing, learned counsel for the petitioner submitted that the petitioner is the owner of an extent of Ac.2.00 cents of land in Sy.No.378 situated in A.P. Mallavaram Village, Gollaprolu Mandal, East Godavari District and that respondent No.1 issued notice under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') to acquire the petitioner's land. Learned counsel further submitted that the petitioner filed objections before respondent No.1 against the proposed acquisition and that in spite of the pendency of the objections and declaration under Section 6 of the Act having not been made, respondents are seeking to dispossess the petitioner from her land.

I am unable to comprehend a situation where the respondents having already initiated proceedings under the Act, would midway abandon the statutory procedure and take recourse to the highhanded action of dispossession without following the

due process of law. Once a notification under Section 4 (1) of the Act is issued and enquiry under Section
5A of the Act is not dispensed with, it is incumbent upon the competent authority under the provisions of the Act to scrupulously follow the procedure prescribed therein.

I have absolutely no reason to believe that the respondents would, without considering and overruling the objections and without causing the declaration under Section 6 of the Act published, dispossess the petitioner from her land. In any event, in view of the allegation made by the petitioner that respondents sought to take possession, I deem it appropriate to dispose of the writ petition with the following directions:

1) The respondents shall consider the objections of the petitioner, if they have not already been considered and pass appropriate orders.

2) On consideration of the objections, if they are satisfied that the land of the petitioner need not be subjected to acquisition, they shall not proceed further. On the other hand, if they come to the opposite conclusion, it is open to them to take further proceedings in accordance with the provisions of the Act.

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As a sequel to disposal of the writ petition, WPMP.No.23978 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 25.10.2007
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